

UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION

)
Fraserside IP, LLC,)
Plaintiff,)
v.)
Igor Kovalchuk d/b/a) Docket No. 11-3040-MWB
DrTuber.com, www.DrTuber.com,)
and John Does 1-100)
and John Doe Companies 1-100,)
Defendants.)

)

AFFIDAVIT OF IGOR KOVALCHUK

Igor Kovalchuk, being duly sworn, does hereby depose and state:

1. My name is Igor Kovalchuk. Unless otherwise stated, I make this affidavit of my own personal knowledge.
2. I am a citizen and resident of Russia.
3. I manage technology for ERA Technologies, Ltd., a company which is incorporated in the British Virgin Islands.
4. ERA Technologies, Ltd. is the owner and operator of the website www.DrTuber.com.
5. I have been informed that I am named as the defendant in this action and the complaint identifies me, individually, as "doing business as" www.DrTuber.com. This is incorrect. As I have stated, above, www.DrTuber.com is owned and operated by ERA Technologies, Ltd.

6. I understand that the complaint in this matter states that I own and operate www.DrTuber.com. Again, this is incorrect. Although it is true that I am listed as the contact person for www.DrTuber.com in the WhoIs Registry, that is simply in my capacity as the individual who manages technology for ERA Technology, Ltd. A current copy of the WhoIs Registry data is attached to this affidavit.

7. I understand that the complaint also alleges that I have a business address in the British Virgin Islands. This is not true. Although *ERA Technologies* has a business address in the British Virgin Islands, *I* do not. Indeed, I have never even visited the British Virgin Islands.

8. I have never been served with a copy of the complaint nor any other papers in the present action. As mentioned, I am a citizen and resident of Russia. I understand that service on me has to be through the process outlined in the Hague Convention. No such service has been made on me.

9. I understand that the Plaintiff has claimed that service was made on me by leaving a copy of the complaint and other documents at ERA Technologies Ltd.'s address in the British Virgin Islands. ERA Technologies Ltd.'s address is not my address, nor has it ever been so. As I stated above, I have never even visited the British Virgin Islands.

10. Even if ERA Technologies had been named as a defendant in this case – which it has not – I do not believe service would have been proper. ERA Technologies has a registered office address at the business center in the British Virgin Islands. My understanding is that a copy of the complaint was left with the business center's receptionist. The receptionist is not an employee, officer, director, or agent of ERA Technologies – she is simply the person who greets all visitors to the business center, no matter which company the visitor might be looking for.

This receptionist is not authorized to accept service on behalf of ERA Technologies, Ltd. and, in any event, she has no connection whatsoever to me as an individual.

11. With respect to me, individually, I have never visited Iowa and have never conducted any kind of business in Iowa. I do not have a telephone number there; I have no employees or agents there; I do not own or lease real estate there; and I have no agent for the service of process in Iowa.

12. With respect to ERA Technologies, Ltd., even though it has not been named as a defendant in this action, I am aware and informed that the company also has no connections with Iowa. It does not maintain servers in Iowa (or anywhere within the United States), has no telephone number there, does not lease or own real estate there, has no employees or agents there, does not advertise there, and has no agent for the service of process in Iowa.

13. ERA Technologies Ltd. has a registered agent for the service of takedown notices, pursuant to the Digital Millennium Copyright Act (“DMCA”). A copy of ERA Technologies Ltd.’s DMCA agent registration is attached to this affidavit. I am informed that our DMCA agent has never received any takedown notices from the plaintiff Frasierside IP.

Signed under the pains and penalties of perjury this 19th day of September, 2011.



Igor Kovalchuk



Whois: Domain Name Search

Enter a Domain Name:

e.g. **moniker.com****Search**

The domain **drtuber.com** is [not available] [This name may be for sale - Make an unsolicited offer]

[Whois data for: drtuber.com](#)

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: DRTUBER.COM
 Registrar: MONIKER ONLINE SERVICES, INC.
 Whois Server: whois.moniker.com
 Referral URL: <http://www.moniker.com>
 Name Server: NS1.DRTUBER.COM
 Name Server: NS2.DRTUBER.COM
 Name Server: NS3.DRTUBER.COM
 Status: clientDeleteProhibited
 Status: clientTransferProhibited
 Status: clientUpdateProhibited
 Updated Date: 28-oct-2011
 Creation Date: 06-aug-2009
 Expiration Date: 06-aug-2014

>>> Last update of whois database: Thu, 10 Nov 2011 04:43:52 UTC <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.

Extended data: whois.moniker.com

Moniker Whois Server Version 2.0

The Data in Moniker's WHOIS database is provided for information purposes only, and is designed to assist persons in obtaining information related to domain name registration records. Moniker does not guarantee its accuracy. By submitting a WHOIS query, you agree that you will use this Data only for lawful purposes and that, under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail (spam), telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to Moniker (or its systems). Moniker reserves the right to modify these terms at any time. By submitting

this query, you agree to abide by this policy.

The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Moniker.

Domain Name: DRTUBER.COM
Registrar: MONIKER

Registrant [3599639]:
Igor Kovalchuk AtomicDucat@gmail.com
ERA TECHNOLOGIES LTD
RG Hodge Plaza Wickhams Cay Road Town
Tortola
na
000
VG

Administrative Contact [3599639]:
Igor Kovalchuk AtomicDucat@gmail.com
ERA TECHNOLOGIES LTD
RG Hodge Plaza Wickhams Cay Road Town
Tortola
na
000
VG
Phone: +7.9214153469

Billing Contact [3599639]:
Igor Kovalchuk AtomicDucat@gmail.com
ERA TECHNOLOGIES LTD
RG Hodge Plaza Wickhams Cay Road Town
Tortola
na
000
VG
Phone: +7.9214153469

Technical Contact [3599639]:
Igor Kovalchuk AtomicDucat@gmail.com
ERA TECHNOLOGIES LTD
RG Hodge Plaza Wickhams Cay Road Town
Tortola
na
000
VG
Phone: +7.9214153469

Domain servers in listed order:

NS1.DRTUBER.COM 88.85.73.140
NS2.DRTUBER.COM 94.198.241.76
NS3.DRTUBER.COM 94.198.240.224

Record created on: 2011-06-02 02:24:44.413
Database last updated on: 2011-10-28 09:05:21.49
Domain Expires on: 2014-08-06 06:35:22.0

Our Whois Domain Name Search lets the public lookup the owner (the "registrant") of a particular domain name as well as other information about the domain name. Some of the Whois information is maintained by Moniker (the "domain registrar") and some is maintained by the "domain registry". Access to Moniker's Whois information is for informational purposes only. Moniker makes Whois domain name information available "as is," and does not guarantee its accuracy. The compilation, repackaging, dissemination or other use of Moniker's Whois information in its entirety, or a substantial portion thereof, is expressly prohibited without the prior written consent of Moniker Online Services, LLC. By accessing and using our Whois Domain Name Search, you agree to these terms.

To use Whois Domain Name Search for domain availability, simply type in the domain name you are looking for. This domain name must be a second-level domain, for example "yourdomain.com".

If for some reason, the domain name you're searching for is not available, and you wish to purchase the domain name from the owner, please place a bid on the domain by sending an email with the domain and bid amount to bid@domainsystems.com.

You can contact Moniker toll free at 1-800-688-6311 or go to <http://support.Oversee.net/> for more information on our domain name after market services.

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Interim Designation of Agent to Receive Notification of Claimed Infringement

Full Legal Name of Service Provider: ERA TECHNOLOGIES LTD

Alternative Name(s) of Service Provider (including all names under which the service provider is doing business): DrTuber, www.drtuber.com, drtuber.com

Address of Service Provider: RG Hodge Plaza Wickhams Cay Road Town, Tortola BVI

**Name of Agent Designated to Receive
Notification of Claimed Infringement:** Constantin Luchian

Full Address of Designated Agent to which Notification Should be Sent (a P.O. Box or similar designation is not acceptable except where it is the only address that can be used in the geographic location): 1007 N. Federal Hwy., Suite 240, Fort Lauderdale, FL 33304

Telephone Number of Designated Agent: (954) 773 8743

Faxsimile Number of Designated Agent: (954) 414 0865

Email Address of Designated Agent: copyright@drtuber.com

Signature of Agent Designating Service Provider: [Redacted]
Date: 9/12/2011

Typed or Printed Name and Title: Igor Ducatov, Manager

**Note: This Interim Designation Must be Accompanied by a Filing Fee*
Made Payable to the Register of Copyrights.**

***Note: Current and adjusted fees are available on the Copyright website at
www.copyright.gov/docs/fees.html**

Mail the form to:
Copyright I&R/Recordation
P.O. Box 71537
Washington, DC 20024



09/14/2011
Received
SEP 27 2011